

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, APRIL 12, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
DINO F. BUCCI, JR, TRUSTEE
JANET DUNN, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Township Attorney
Jerome R. Schmeiser, Planning Consultant
James VanTiflin, Consulting Engineer
(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

The Michigan Recreation and Parks Association presented Macomb Township their award for Excellence Facility Design for 2006.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and any additions, corrections or deletions were discussed.

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3. Both bill runs from the Finance Section were reviewed and discussed.

MOTION by KRZEMINSKI seconded by DUNN to approve both bill runs as presented.

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MOTION carried.

APPROVAL OF PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on March 22, 2006 were reviewed and any additions, corrections or deletions were discussed.

MOTION by BUCCI seconded by DUNN to approve the minutes of the meeting of March 22, 2006 as amended.

MOTION carried.

5. **Consent Agenda Items**

- A. Clerk's Department:

1. **Request for Wall Sign Bond Release;** Dollars & Sense Dollar Store; Anthony Catalina, Petitioner; Permanent Parcel Number 08-20-200-046.
 2. **Request for Ground Sign Bond Release;** Victory Nissan; Hall Road west of Fairchild Road; Heileman & Sons, Petitioner; Permanent Parcel 08-36-377-011.

- B. Water & Sewer Department

1. **Easement Encroachment Agreement;** David and Kristina Bedenko, 46746 Albany Drive, Lot 102; Lakeside Landing Subdivision.
 2. **Easement Encroachment Agreement;** Jeffrey Rapier & Elizabeth Murray, 21796 Carrington Drive, Lot 282; Cornerstone Village Subdivision #6.
 3. **Easement Encroachment Agreement;** William and Karen Slifco, 48623 Lafayette Drive, Lot 52; Strawberry Knolls Subdivision.
 4. **Easement Encroachment Agreement;** Donald and Lori Hytinen, 48803 Village Drive, Lot 101; Cornerstone Village Subdivision #1.

MOTION by MALBURG seconded by NEVERS to approve the consent agenda as presented.

MOTION carried.

6. **Public Comments** (Agenda and Non Agenda items - 3 minute time limit)

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Tony DeRici and Terry Irvine, representing the Builder and Developer community, expressed their difficulty selling homes at this time, and wanted some temporary relief from the current sign ordinance requirements. Mr. Brennan advised them of their options according to the Zoning Ordinance.

AGENDA ITEMS

PLANNING

7. **Rezoning Request; Commercial Shopping Center (C-3) to General Commercial (C-2);** Waterstone Office Center; Located on the east side of Card Road, approximately 500 feet north of Hall Road; Antonio Cavaliere, Petitioner. Permanent Parcel Nos. 08-35-300-006 and 08-35-300-007.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this request and indicated that the Planning Commission was recommending that these parcel be rezoned from C-3 to O-1.

MOTION by KRZEMINSKI seconded by DUNN to approve the rezoning request from Commercial Shopping Center (C-3) to Office (O-1) for Permanent Parcel Numbers 08-35-300-006 and 08-35-300-007.

MOTION carried.

8. **Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1);** Located on the south side of 26 Mile Road, ½ mile east of Romeo Plank Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-100-012.

This item was tabled to the next Board meeting on April 26, 2006.

9. **Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1);** Located on the south side of 26 Mile Road, ½ mile east of Romeo Plank; Macomb Township, Petitioner. Permanent Parcel No. 08-05-100-013.

This item was tabled to the next Board meeting on April 26, 2006.

10. **Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1);** Located on the east side of Romeo Plank Road, 305 feet south of 26 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-100-022.

This item was tabled to the next Board meeting on April 26, 2006.

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11. **Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1);** Located on the south side of 26 Mile Road, ½ mile east of Romeo Plank; Macomb Township, Petitioner. Permanent Parcel No. 08-05-200-001.

This item was tabled to the next Board meeting on April 26, 2006.

12. **Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1);** Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-301-003.

This item was tabled to the next Board meeting on April 26, 2006.

13. **Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1);** Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-302-001.

This item was tabled to the next Board meeting on April 26, 2006.

14. **Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1);** Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-302-004.

This item was tabled to the next Board meeting on April 26, 2006.

15. **Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1);** Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-302-005.

This item was tabled to the next Board meeting on April 26, 2006.

16. **Request for a Temporary Certificate of Occupancy;** Animal Hospital of Macomb; Located in the Stratford Plaza at the southeast corner of 23 Mile Road and Card Road; Robert Brannon, Petitioner; Permanent Parcel Number 08-23-100-029.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this request and indicated his recommendation for approval. Mr. Robert Brannon, petitioner, was present.

MOTION by DUNN seconded by NEVERS to approve the Temporary Certificate of Occupancy to June 1, 2006 for Animal Hospital of Macomb; Located in the Stratford Plaza at the southeast corner of 23 Mile Road and Card Road; Robert Brannon, Petitioner; Permanent Parcel Number 08-23-100-029.

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MOTION carried.

17. **Request for a Temporary Certificate of Occupancy;** New China Gourmet; Located in the Stratford Plaza at the southeast corner of 23 Mile Road and Card Road; Icon Building, Petitioner; Permanent Parcel Number 08-23-100-029.
- Mr. Jerome Schmeiser, Planning Consultant, reviewed this request and indicated his recommendation for approval. Mr. Warren Block, representing Icon Building, Inc., the petitioner, was present.

MOTION by KOEHS seconded by MALBURG to approve the Temporary Certificate of Occupancy to June 1, 2006 for New China Gourmet; Located in the Stratford Plaza at the southeast corner of 23 Mile Road and Card Road; Icon Building, Petitioner; Permanent Parcel Number 08-23-100-029.

MOTION carried.

18. **Request to Approve Final Plat;** Beaufait Farms Subdivision, Phase 4; Located on the south side of Brantingham Road, east of Card Road; David Weber, Petitioner; Permanent Parcel Number 08-35-100-011.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this request and stated that this subdivision phase is now complete, and indicated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the Final Plat for Beaufait Farms Subdivision, Phase 4; Located on the south side of Brantingham Road, east of Card Road; David Weber, Petitioner; Permanent Parcel Number 08-35-100-011 and direct the Clerk to sign the Mylar.

MOTION carried.

19. **Request to Approve Final Plat;** Pinnacle Woods Subdivision; Located on the south side of 23 Mile Road, ½ mile west of Fairchild Road; Landtec of Macomb, Petitioner; Permanent Parcel No. 08-24-226-018.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this request and stated that this subdivision is now complete, and indicated his recommendation for approval. Mr. Richard Rizzo, petitioner, was present.

MOTION by DUNN seconded by KRZEMINSKI to approve the Final Plat for Pinnacle Woods Subdivision; Located on the south side of 23 Mile Road, ½ mile west of Fairchild Road; Landtec of Macomb, Petitioner; Permanent Parcel No. 08-24-226-018 and direct the Clerk to sign the Mylar.

MOTION carried.

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20. **Request to Approve Street Lighting Contract;** Strathmore Site Condominiums, Phase I; Located on the south side of 26 Mile Road, ¼ mile east of Luchtman Road; Permanent Parcel No. 08-04-100-029.

Mr. Kevin Christiansen, representing Pulte Homes, Inc., petitioner, was present.

MOTION by BUCCI seconded by KRZEMINSKI to approve the street lighting contract for the Strathmore Site Condominiums, Phase I, Permanent Parcel No. 08-04-100-029.

MOTION carried.

21. **Request to set the public hearing date for May 10, 2006 for Special Assessment District** for Street Lighting; Golfview Estates Subdivision; Located on the east side of North Avenue, ½ mile north of 21 Mile Road; Permanent Parcel Number 08-25-301-001.

MOTION by KOEHS seconded by DUNN to set the public hearing date for May 10, 2006 for the special assessment district for Street Lighting for Golfview Estates Subdivision; Permanent Parcel Number 08-25-301-001.

MOTION carried.

22. **Request to set the public hearing date for May 10, 2006 for Special Assessment District** for Street Lighting; West Park Estates Subdivision; Located on the north side of 25 Mile Road, ¼ mile east of Luchtman Road; Permanent Parcel Number 08-04-300-005.

MOTION by BUCCI seconded by KRZEMINSKI to set the public hearing date for May 10, 2006 for the special assessment district for street lighting for West Park Estates Subdivision; Permanent Parcel Number 08-04-300-005.

MOTION carried.

23. **Request to Amend Model Permit Lots;** Gloede Park Subdivision; Located on the west side of Garfield Road, north of 21 Mile Road; Permanent Parcel Number 08-30-400-020.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this request and indicated his recommendation for approval.

MOTION by KOEHS seconded by KRZEMINSKI to amend the Model Permit Lots in the Gloede Park Subdivision from Lot 46 to Lot 22.

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MOTION carried.

24. **Consider recommendation from the Planning Commission** concerning the need for rezoning in the northeast corner of Hall and Card Roads.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this request as it was mentioned in item #7 above, and indicated his recommendation for approval.

MOTION by NEVERS seconded by KOEHS to authorize the Planning Commission to review the proposed rezoning for the parcels in the northeast corner of Hall Road and Heydenreich Road.

MOTION carried.

25. **Land Division Variance for Landscaping, Sidewalks and Entrance Paving; Pine Valley Subdivision;** Located on the east side of Luchtman Road, approximately ¼ mile south of 26 Mile Road; Northern Macomb Development, Petitioner. Permanent Parcel No. 08-04-100-034.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this request and indicated his recommendation for approval for the landscaping and sidewalk portions, but was recommending denial for the entrance paving request.

MOTION by KRZEMINSKI seconded by BUCCI to approve the variance for sidewalks at the Pine Valley Subdivision, permanent parcel number 08-04-100-034 until June 1, 2006.

MOTION carried.

MOTION by BUCCI seconded by KRZEMINSKI to approve the variance for landscaping at the Pine Valley Subdivision, permanent parcel number 08-04-100-034 until June 1, 2006.

MOTION carried.

MOTION by BUCCI seconded by KRZEMINSKI to deny the variance for entrance paving at the Pine Valley Subdivision, permanent parcel number 08-04-100-034.

MOTION carried.

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OLD BUSINESS

26. **Request to Approve Temporary Sanitary Sewer Diversion;** Anderson, Eckstein & Westrick, Petitioner; Permanent Parcel Numbers 08-10-200-023, 08-10-400-003 & 08-11-300-001.

Mr. James VanTiflin, Engineer Consultant, reviewed this request and indicated his recommendation for approval as a temporary sewer diversion, contingent upon receiving all of the required payments and fees.

MOTION by KOEHS seconded by BUCCI to approve the Temporary Sanitary Sewer Diversion for Permanent Parcel Numbers 08-10-200-023, 08-10-400-003 & 08-11-300-001 contingent upon receipt of all required payments and fees to the township.

MOTION carried.

27. **Consider Adoption of Revised Land Division Ordinance.**

Mr. Brennan reviewed this item and explained the basic intent of the ordinance amendments. Mr. Lawrence Dloski, legal counsel, further explained that the suggested action to repeal the existing ordinance and replace it with this proposed ordinance.

MOTION by KRZEMINSKI seconded by DUNN to repeal the current Land Division Ordinance Number 17 and replace it in its entirety with the proposed Land division Ordinance Number 17.

MOTION carried.

PARKS AND RECREATION

28. **Request to Run Spring/Summer REACH programs.**

Salvatore DiCaro, Parks and Recreation Director, reviewed this matter and indicated his recommendation for approval.

MOTION by DUNN seconded by KOEHS to approve the request to run the Spring/Summer REACH programs as requested by the Parks and Recreation Department.

MOTION carried.

29. **Request to Produce the Spring/Summer REACH Catalog.**

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Salvatore DiCaro, Parks and Recreation Director, reviewed this matter and indicated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to authorize the production and distribution of the Spring/Summer REACH catalog.

MOTION carried.

BROADCAST MEDIA

30. Request for approval of CCTV Proposal.

Mr. James Gillis, the Broadcast Media Manager, reviewed this request and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to approve the CCTV proposal as presented and award the contract to D.A. Central for the amount of two hundred thirteen thousand nine hundred twelve dollars. (\$213,912.00)

MOTION carried.

31. Request for approval of General Contractor Proposal for 23 Mile Road Media Center Renovations.

Mr. James Gillis, the Broadcast Media Manager, reviewed this request and stated his recommendation for approval.

MOTION by KOEHS seconded by DUNN to award the contract for General Contractor for the 23 Mile Road Media Center to Synergy for the amount of one hundred thirty four thousand eight hundred seventy five dollars. (\$134,875.00)

MOTION carried.

32. Request for approval of Office Furniture Purchase for 23 Mile Road Media Center Renovations.

Mr. James Gillis, the Broadcast Media Manager, reviewed this request and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the purchase of Office Furniture for the 23 Mile Road Media Center from OFS in the amount of ten thousand seven hundred seventy five dollars. (\$10,775.00)

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MOTION carried.

33. Request for approval of Video Consultant Proposal for 23 Mile Road Media Center Renovations.

Mr. James Gillis, the Broadcast Media Manager, reviewed this request and stated his recommendation for approval.

MOTION by KOEHS seconded by DUNN to award the contract for Video Consultant for the 23 Mile Road Media Center Renovations to Roscor for six thousand five hundred fifty dollars. (\$6,550.00)

MOTION carried.

HUMAN RESOURCES

34. Request for Authorization to Hire Broadcast Media Technician.

Mr. John Brogowicz, Human Resource director, reviewed this item and stated his recommendation to hire Mr. James Drum.

MOTION by DUNN seconded by KOEHS to authorize Human Resources to offer employment to James Drum as a Broadcast Media Technician.

MOTION carried.

35. Request for Authorization to Draft Resolution Regarding Benefits for Deputy Clerk and Treasurer.

This item was tabled indefinitely.

36. Request for an Extended Personal Leave of Absence.

Mr. John Brogowicz, Human Resource director, reviewed this item and stated his recommendation to deny this request as it does not meet the criteria established in the collective bargaining agreement.

MOTION by KRZEMINSKI seconded by BUCCI to deny the extension of the personal leave of absence for FF David Buscaino.

MOTION carried.

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WATER AND SEWER DEPARTMENT

37. **Request to Authorize Pay Certificate #1**; 26 Mile Road Water Main; Glen Eden East Lutheran Cemetery, East 1,244 ft.; Macomb Pipeline & Utilities Company; MA03-030.

Mr. David Koss, Water and Sewer Superintendent, reviewed this item and stated his recommendation for approval.

MOTION by DUNN seconded by KOEHS to approve payment of Pay Certificate # 1 for the 26 Mile Road Water Main, MA03-030, in the amount of thirty three thousand nine hundred seventy five dollars. (\$33,975.00)

MOTION carried.

38. **Acceptance of Lawn Maintenance Bids for Township Facilities.**

Mr. David Koss, Water and Sewer Superintendent, reviewed these items and stated his recommendation for approval, which is the same as for last year.

MOTION by KOEHS seconded by MALBURG to award the bids for lawn maintenance for the township properties to 1) Universal Lawn Care, 2) Autumn Oaks and 3) Autumn Oaks.

MOTION carried.

BOARD COMMENTS

39. Supervisor Comments:

A) Recommendations for Appointments

Supervisor Brennan recommended the following persons for appointment:

A full three year term on the Clinton Macomb Public Library Board –

Peg Lamont	expires on 4/30/2009
Peter Ruggerello	expires on 4/30/2009

MOTION by KRZEMINSKI seconded by DUNN to approve the appointments for the Clinton Macomb Library Board as recommended by the Supervisor.

MOTION carried.

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The remainder of a vacant term on the Zoning Board of Appeals –
Nunzio Provenzano expires on 12/31/2006

**MOTION by BUCCI seconded by MALBURG to approve the appointments
for the Zoning Board of Appeals as recommended by the Supervisor.
MOTION carried.**

B) Request authorization for legal counsel to defend litigation.

1) Landtec, Inc vs. Macomb Township

**MOTION by DUNN seconded by KRZEMINSKI to authorize legal counsel to
defend the township in the matter of Landtec Inc. vs. Macomb Township**

2) Beaumont Hospital vs. Macomb Township

**MOTION by BUCCI seconded by KOEHS to authorize legal counsel to
defend the township in the matter of Beaumont Hospital vs. Macomb
Township.**

40. Clerk Comments: NONE

41. Treasurer Comments: NONE

42. Trustees Comments: NONE

EXECUTIVE SESSION

**MOTION by KRZEMINSKI seconded by BUCCI to adjourn to Executive
Session at 8:03 p.m.**

MOTION carried.

43. Request to Amend a Consent Judgment; Windemere Farms Subdivision.

**MOTION by KOEHS seconded by BUCCI to authorize legal counsel to
continue discussion regarding this matter.**

MOTION carried.

44. Tiamo Consent Judgment

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MOTION by KOEHS seconded by KRZEMINSKI to authorize legal counsel to sign this consent judgment.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the meeting at 8:27 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk